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October 7, 2007

**VIA E MAIL AND U.S. MAIL**

Louis W. Bullock  
Miller, Keffer, Bullock & Pedigo LLC  
222 S. Kenosha Avenue  
Tulsa, Oklahoma 74120

Re: *Oklahoma, et al. v. Tyson Foods, Inc. et al.*

Dear Louis:

As you know, the State has only recently begun producing information regarding its "DNA analysis" or "microbial source tracking" work in the watershed. To date, Defendants have only been provided with 14 pages of documentation relating to this work: STOK0020854 – STOK0020862 (Manure Sampling SOP for DNA Analysis) and STOK0029428-STOK0029432 (Northwind Poultry Quantitative PCR Analytical Summary). The purpose of this letter is to notify the State of several concerns that defendants have based upon the review of the limited information produced relative to this work and to request certain assurances from the State regarding future productions and the preservation of documents and samples.

Defendants continued to be troubled by the obvious delays in the production of sampling or testing data. The Manure Sampling SOP for DNA (SOP 5-3) Analysis was first prepared in April 2006 but that document was not produced by the State until September 19, 2007. The Northwind PCR Analytical Summary confirms that the State began collecting samples as part of its microbial source tracking work in February 2006, but the State failed to produce any information relating to that work until September 27, 2007. An 18 month gap between the collection of samples and the production of data is severely prejudicial to the defendants.

The Manure Sampling SOP for DNA (SOP 5-3) indicates that 52 fecal samples from non-poultry sources (beef cattle, dairy cattle, swine, geese, ducks, humans) were to be collected from the watershed and subjected to fragmented PCR DNA analysis. To date, the State has not produced the results of those tests or documents related to the collection, handling or testing of those samples. Please produce all documents and data related to the collection and testing of these 52 fecal samples immediately.

4830-1905-9969.1

**Exhibit 7**

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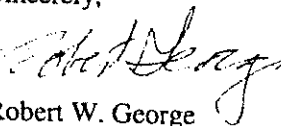
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The Northwind PCR Analytical Summary provides results of the State's testing of 31 water, soil or litter samples for brevibacteria through a method that is described as a quantitative polymerase chain reaction. These 31 samples do not appear to be non-poultry fecal samples collected under SOP 5-3. In addition, the testing described in the Northwind summary is an entirely different method than the one described in SOP 5-3. Please produce the sampling SOP under which the 31 samples identified in the Northwind summary were collected.

Finally, please confirm that the State has preserved all water, soil, litter and fecal samples collected as part of its DNA/Microbial Source Tracking efforts in the watershed including, but not limited to, the 52 fecal samples collected under SOP 5-3 and the 31 samples identified in the Northwind summary. The State and its consultants also may have grown or otherwise propagated materials from the samples it collected (such as bacteria cultures, colonies, or mixtures). The failure of the State to preserve the 52 fecal samples and any propagated materials derived from these samples for Defendants' examination and testing would clearly amount to spoliation of evidence. Defendants likely will request production of the preserved portions of these samples and any propagated materials for appropriate testing and analysis. If the State has not preserved these samples and propagated materials or believes that defendants are not entitled to obtain these samples or materials for their own testing, please let me know immediately. Otherwise, once I have been educated on the preservation, storage and handling procedures necessary for a transfer of these samples and propagated materials, I will be in touch to discuss the timing and logistics of such a transfer.

I appreciate your attention to these matters. If you have questions or concerns, please do not hesitate to contact me.

Sincerely,



Robert W. George